

1 BITA RAHEBI (CA SBN 209351)  
brahebi@mofo.com  
2 ALEX S. YAP (CA SBN 241400)  
ayap@mofo.com  
3 ROSE S. LEE (CA SBN 294658)  
roselee@mofo.com  
4 MORRISON & FOERSTER LLP  
707 Wilshire Boulevard, Suite 6000  
5 Los Angeles, California 90017-3543  
Telephone: (213) 892-5200  
6 Facsimile: (213) 892-5454

7 [Additional counsel on signature page]

8 Attorneys for Counter-Defendants,  
MAXLINEAR, INC. and MAXLINEAR  
9 COMMUNICATIONS LLC

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

12 ENTROPIC COMMUNICATIONS,  
13 LLC,

14 Plaintiff,

15 v.

16 DISH NETWORK CORPORATION,  
17 et al.,

18 Defendants.

Case No. 2:23-cv-1043-JWH-KES  
(Lead Case)

**DECLARATION OF ROSE S. LEE  
IN SUPPORT OF COUNTER-  
DEFENDANTS MAXLINEAR, INC.  
AND MAXLINEAR  
COMMUNICATIONS LLC'S  
NOTICE OF MOTION AND  
MOTION TO DISMISS  
COUNTERCLAIMS BY DISH  
NETWORK CALIFORNIA  
SERVICE CORPORATION**

20 DISH NETWORK CALIFORNIA  
21 SERVICE CORPORATION,

22 Counter-Claimant,

23 v.

24 ENTROPIC COMMUNICATIONS,  
25 LLC; MAXLINEAR, INC.; AND  
MAXLINEAR COMMUNICATIONS  
26 LLC,

Counter-Defendants.

**JURY TRIAL DEMANDED**

Judge: Hon. John W. Holcomb

Action Filed: Feb. 10, 2023  
Counterclaims Filed: Sept. 21, 2023

**Hearing:**

Date: Feb. 2, 2024

Time: 9:00 a.m.

Place: Courtroom 9D, Santa Ana

Judge: Hon. John W. Holcomb

1 I, Rose S. Lee, declare as follows:

2 1. I am an attorney with the law firm of Morrison & Foerster LLP,  
3 counsel for MaxLinear, Inc. and MaxLinear Communications LLC (“MaxLinear”).  
4 I am licensed to practice law in the State of California. I have personal knowledge  
5 of the matters set forth below and if called upon, I could and would testify  
6 competently on the matters set forth below.

7 2. The parties met and conferred on November 15, 2023 and  
8 November 17, 2023 regarding the substance of MaxLinear’s contemplated motion  
9 to dismiss Counterclaims filed by Dish Network California Service Corporation  
10 (“Dish”) against MaxLinear. During the meet and confers, MaxLinear’s counsel  
11 asked Dish’s counsel if other Dish entities were MoCA members. Dish’s counsel  
12 was unable to specify if other Dish entities were MoCA members.

13 3. Attached as **Exhibit 1** is a true and correct copy of the correspondence  
14 between counsel for MaxLinear and counsel for Dish from November 14, 2023  
15 through December 1, 2023.

16 4. Following the parties’ November 17, 2023 meet and confer,  
17 MaxLinear asked Dish whether it would amend its Counterclaims against  
18 MaxLinear and suggested another call to discuss the logistics of Dish doing so.  
19 (*See* Ex. 1 at 10 (B. Rahebi Nov. 17, 2023, 6:37 PM email to Dish’s counsel).)  
20 Dish’s counsel declined MaxLinear’s invitation for a follow-up discussion and to  
21 amend its Counterclaims, indicating that they “will make that determination after  
22 reviewing the motion to dismiss.” (*Id.* at 9-10 (T. Burgener Nov. 17, 2023, 5:27  
23 PM email to MaxLinear’s counsel).)

24 5. On the parties’ November 17, 2023 meet and confer and in a follow-up  
25 email the same day, MaxLinear requested “MoCA related materials,” including all  
26 applicable agreements, Dish relied on for its Counterclaims against MaxLinear.  
27 (*Id.* at 10 (B. Rahebi Nov. 17, 2023, 6:37 PM email to Dish’s counsel).) In  
28 response to MaxLinear’s request, Dish produced a single file—the Promoter

1 Agreement (DISH1043\_00004000 – DISH1043\_00004049)—on December 1,  
2 2023. (*Id.* at 5.)

3 6. Apart from MaxLinear’s motion to dismiss, MaxLinear sent Dish a  
4 letter on December 15, 2023 stating that Dish should voluntarily dismiss with  
5 prejudice its Counterclaims. In response, on the evening of December 19, 2023,  
6 Dish offered an extension to allow time for the other Dish defendants to file  
7 counterclaims, in the event they chose to do so in this District.

8 7. On December 21, 2023, at 2:28 p.m., MaxLinear declined the  
9 extension and explained, “We have already drafted the motion and we will proceed  
10 with the filing tomorrow.” One hour later, at 3:28 p.m., the day before the Court-  
11 ordered deadline, Dish sent MaxLinear a four-page letter that attempted to address  
12 some of the deficiencies that MaxLinear had raised over a month earlier, but also  
13 continued to dispute key issues identified by MaxLinear.

14  
15 I declare under penalty of perjury that the foregoing is true and correct.  
16 Executed this 22nd day of December 2023 in Los Angeles, California.

17  
18 /s/ Rose S. Lee  
Rose S. Lee